

CHAPTER 71

LABOR AND INDUSTRY

HOUSE BILL 00-1293

BY REPRESENTATIVES Dean, Bacon, and Young;
also SENATOR Perlmutter.

AN ACT

CONCERNING THE AUTHORITY OF A LICENSED ATTORNEY TO ACCEPT FUNDS FOR DISTRIBUTION PURSUANT TO A POWER OF ATTORNEY GRANTED BY A CLAIMANT UNDER THE "WORKERS' COMPENSATION ACT OF COLORADO".

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 8-42-124 (2), Colorado Revised Statutes, is amended to read:

8-42-124. Assignability and exemption of claims - payment to employers - when. (2) The power given in any power of attorney or other authority from any injured employee or the dependents of any killed employee purporting to authorize any other person to receive, be paid, or receipt for any compensation benefits awarded any such claimant shall be wholly void and illegal and of no force and effect; except that:

(a) Any employer who is subject to the provisions of articles 40 to 47 of this title and who, by separate agreement, working agreement, contract of hire, or any other procedure, continues to pay a sum in excess of the temporary total disability benefits prescribed by articles 40 to 47 of this title to any employee temporarily disabled as a result of any injury arising out of and in the course of such employee's employment and has not charged the employee with any earned vacation leave, sick leave, or other similar benefits shall be reimbursed if insured by an insurance carrier or shall take credit if self-insured to the extent of all moneys that such employee may be eligible to receive as compensation or benefits for temporary partial or temporary total disability under the provisions of said articles, subject to the approval of the director. If the employee is injured while under a fixed duration contract of employment, all salary and wages paid pursuant to that contract shall be prorated over the duration of the contract in determining whether in any given week the employer paid a sum in excess of the temporary total disability benefit.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(b) THIS SUBSECTION (2) SHALL NOT APPLY TO AN ATTORNEY LICENSED TO PRACTICE LAW IN THIS STATE AND ACTING IN ACCORDANCE WITH A POWER OF ATTORNEY GIVEN BY THE CLAIMANT SOLELY FOR THE PURPOSE OF DISTRIBUTING FUNDS PURSUANT TO AN ADMISSION OF LIABILITY OR AN ORDER OF THE DIVISION.

SECTION 2. Effective date - applicability. This act shall take effect July 1, 2000.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 29, 2000